

IN THE 71<sup>ST</sup> JUDICIAL DISTRICT COURT  
OF HARRISON COUNTY, TEXAS

PLAINTIFF: JOHNNIE STEPHENS

VS.

DEFENDANT: BUREAU OF COLLECTION RECOVERY, INC.

**CITATION**

TO: THE SHERIFF OR ANY CONSTABLE OF TEXAS  
OR ANY OTHER AUTHORIZED PERSON  
TO BUREAU OF COLLECTION RECOVERY, INC.  
ITS PRESIDENT BLAKE RICE  
7575 CORPORATE WAY  
EDEN PRAIRIE, MN 55344

THE STATE OF TEXAS  
COUNTY OF HARRISON

Attached is a copy of **PLAINTIFF'S ORIGINAL PETITION**. This instrument was filed on the **22<sup>ND</sup>** day **MAY, 2013**, in the above cited cause number and court. The instrument attached describes the claim against you.

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation is issued **22<sup>ND</sup>** of **JULY, 2013**, under my hand and seal of said Court.

SEAL

MELLINDA CRAIG, DISTRICT CLERK  
HARRISON COUNTY, TEXAS  
Harrison County Courthouse  
200 W. Houston St., Suite 234  
Marshall, Texas 75670

BY

DEPUTY

Issued at the request of  
**GABRIEL MEYRAT**  
**P. O. BOX 570396**  
**DALLAS, TX 75357**

**OFFICER/AUTHORIZED PERSON RETURN**

Came to hand at \_\_\_\_ o'clock \_\_.m., on the \_\_\_\_ day of \_\_\_\_, 20\_\_.  
Executed at \_\_\_\_ in \_\_\_\_ County at \_\_\_\_ o'clock \_\_.m.  
on the \_\_\_\_ day of \_\_\_\_, 20\_\_, by delivering to \_\_\_\_  
defendant, in person, a true copy of this citation together with the accompanying copy of the petition  
attached thereto and I endorsed on said copy of the citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_ day of \_\_\_\_, 20\_\_.

Fee \$ \_\_\_\_

\_\_\_\_ of \_\_\_\_ County, Texas  
by \_\_\_\_ deputy

\_\_\_\_  
affiant

On this day, \_\_\_\_, known to me to be the person whose signature appears on the foregoing  
return, personally appeared. After being duly sworn, he/she stated that this citation was executed by him/her in the exact  
manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME ON \_\_\_\_, 20\_\_.

\_\_\_\_  
Notary Public

EXHIBIT A

FILED FOR RECORD  
HARRISON, COUNTY, TEXAS  
CLERK DISTRICT COURT

CAUSE NO.

JOHNNIE STEPHENS  
Plaintiff,

§ 87(2)(b)

IN THE DISTRICT COURT

2013 JUN 22 PM 1:04  
ICT COURT  
MELODY CRAIG  
DEPUTY

V.

71st JUDICIAL DISTRICT

BUREAU OF COLLECTION  
RECOVERY, INC.  
Defendant.

HARRISON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

## I. INTRODUCTION

1. This is an action for damages brought by Plaintiff, Johnnie Stephens, for violations of the Fair Debt Collection Practices Act, 15, U.S.C. § 1692, et seq. (hereinafter "FDCPA") committed by Defendant, Bureau of Collection Recovery, Inc.

## II. JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an FDCPA action to be brought in any court of competent jurisdiction. Venue in this county is proper because Defendant Bureau of Collection Recovery, Inc. conducts business here and the conduct complained of occurred here.

### III. PARTIES

3. Plaintiff Johnnie Stephens is a natural person residing at 1324 Don Long Road, Waskom, TX 75692, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant, Bureau of Collection Recovery, Inc. (hereinafter “BCR”) is a corporation engaged in the business of collecting debts in this state with its principal place of business located at 7575 Corporate Way, Eden Prairie, MN 55344.
5. BCR may be served by serving its president, Blake Rice, at 7575 Corporate Way, Eden Prairie, MN 55344.
5. The principal business purpose of BCR is the collection of debts using the mail and telephone and BCR regularly attempts to collect debts alleged to be due to another.
6. BCR is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS AND CLAIMS

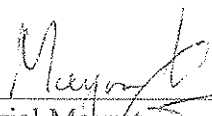
7. Plaintiff incurred a financial obligation from Premier Bankcard MC that was primarily for personal enjoyment and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692(a)5.
8. Sometime thereafter the alleged debt was consigned, placed, or otherwise transferred to BCR for collection from Johnnie Stephens.
9. On March 25, 2013, Plaintiff's attorney, Gabriel Meyrat, sent a letter of representation by certified mail to BCR informing BCR to send all communications with regard to Johnnie Stephens to Gabriel Meyrat.
10. On March 28, 2013, BCR received the letter and signed the green card that accompanied the letter.
11. Despite knowledge that Mr. Stephens was represented by an attorney, BCR mailed a collection letter to Mr. Stephens on April 15, 2013.
12. By sending the collection letter to Mr. Stephens despite knowledge of attorney representation, BCR violated 15 U.S.C. § 1692c of the FDCPA which states that a debt collector may not communicate with a consumer in connection of any debt if the debt collector knows the consumer is represented by an attorney.
13. As a result of the above violation of the FDCPA, Defendant is liable to Plaintiff for statutory damages, costs, and attorney's fees.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully pray that judgment be entered against Defendant as follows:

- A. For an award to statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k.
- B. For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k; and
- C. For such other and further relief as may be just and proper.

Respectfully Submitted,

  
\_\_\_\_\_  
Gabriel Meyrat  
State Bar No. 24053935

P.O. Box 570396  
Dallas, Texas 75357  
(214) 403-5928  
ATTORNEY FOR PLAINTIFF

**CAUSE NO. 13-0563**

**JOHNNIE STEPHENS,**

**Plaintiff,**

**v.**

**BUREAU OF COLLECTION  
RECOVERY, INC.,**

**Defendant.**

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**IN THE DISTRICT COURT**

**71<sup>ST</sup> JUDICIAL DISTRICT**

**HARRISON COUNTY, TEXAS**

**DEFENDANT BUREAU OF COLLECTION RECOVERY, INC.'S  
ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW, BUREAU OF COLLECTION RECOVERY, INC., Defendant in the above-entitled and numbered cause, and in answer to Plaintiff's Original Petition would respectfully show unto the court as follows:

1. Defendant denies each and every, all and singular, the allegations in Plaintiff's Original Petition, says that the allegations therein are not true, either in whole or in part, and demands strict proof thereof.

2. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff is requested to disclose within 30 days after service of this request, the information or material described in Rule 194.2.

WHEREFORE, PREMISES CONSIDERED, Defendant, BUREAU OF COLLECTION RECOVERY, INC., prays that Plaintiff take nothing by reason of this suit, that Defendant be discharged and go hence without costs, without delay, and for all such other and further relief, both general and special, at law and in equity, to which this Defendant may show itself justly entitled.

Respectfully submitted,

BUSH & RAMIREZ, P.L.L.C.



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Keith Wier  
SBN: 21436100  
5615 Kirby Dr., Suite 900  
Houston, Texas 77005  
(713) 626-1555 Telephone  
(713) 622-8077 Telecopier

**ATTORNEY FOR DEFENDANTS,  
BUREAU OF COLLECTION RECOVERY,  
INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to all counsel of record via facsimile and/or by certified mail, return receipt requested on this 19<sup>th</sup> of August, 2013, as follows:

Gabriel Meyrat  
P.O. Box 570396  
Dallas, TX 75357



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Keith Wier